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Alexandra Allison
Alexandra Allison

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel F. Williams, et al.
Application No. : 09/820,292
Filed : March 27, 2001
Title : APPARATUS, SYSTEMS AND METHODS FOR
ONLINE, MULTI-PARCEL, MULTI-CARRIER, MULTI-
SERVICE PARCEL RETURNS SHIPPING
MANAGEMENT
Grp./Div. : 3629
Examiner : Plucinski, Jamsue A.
Docket No. : PSTM0042/MRK

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Pasadena, CA 91101-4710

**DECLARATION UNDER 37 C.F.R. SECTION 132
BY DAVID ALLISON BENNETT FILED IN SUPPORT OF
AMENDMENT AND RESPONSE TO OFFICE ACTION DATED MAY 29, 2008**

In support of the Amendment and Response to the Office Action dated May 29, 2008, I, David Allison Bennett, declare under 37 C.F.R. § 1.132 as follows:

BACKGROUND INFORMATION ABOUT THE DECLARANT

1. I have more than fifteen (15) years of experience in the area of private carrier (e.g., UPS®, FEDEX®, DHL®, etc.) and public carrier (e.g., the United States Postal Service ("USPS")) mailing and shipping technologies.

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2. As of the date of making this Declaration, I am a business systems architect for iShip Inc., one of the assignees of the above-identified patent application.
3. Before joining Velleb, Inc., a predecessor of iShip Inc., I worked for Connectsoft/Adonis Software on a contract for United Parcel Service® ("UPS®"). In particular, I joined Connectsoft/Adonis Software in 1993 and worked with that company until 1995 when Velleb was formed.
4. In or about 1999, iShip Inc. announced a merger with Stamps.com Inc. The merger was completed in early 2000. Stamps.com Inc. is one of the assignees of record of the above-identified patent application.
5. In or about 2001, Stamps.com Inc. spun off iShip Inc., which was acquired by UPS®. iShip Inc. is a fully owned subsidiary of United Parcel Service of America, Inc., which is a fully owned subsidiary of United Parcel Service, Inc. iShip is one of the assignees of record of the above-identified patent application.
6. I am one of the inventors of the invention disclosed in the above-identified patent application. I am also one of the inventors named on various pending U.S. Patent Applications involving shipping technologies, including, for example, U.S. Patent Application Nos. 09/684,871, 09/684,870, and 09/684,869. I am also one of the inventors named on U.S. Patent No. 7,117,170 (Bennett, et al., entitled "APPARATUS, SYSTEMS AND METHODS FOR APPLYING BILLING OPTIONS FOR MULTIPLE CARRIERS FOR ONLINE, MULTI-CARRIER, MULTI-SERVICE PARCEL SHIPPING MANAGEMENT," issued October 03, 2006).

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6. I have reviewed, and am familiar with, Siegel (U.S. Patent Application Publication No. U.S. 2004/0143519; "Siegel"), that was cited by the May 29, 2008 Office Action.

DISCUSSION OF SIEGAL

7. Siegel discloses a system that gathers from various retailer systems/databases information about purchase transactions by a user. See, e.g., Siegel, ¶[0008] and ¶[0026]; Siegel, FIG. 2, element 215 ("Transaction Database"); Siegel, FIG. 5, element 535 ("Gather Transaction History for User"); Siegel, ¶[0045]. Siegel explains that the transactions are gathered from a collection of databases for multiple retailers and other sources. Siegel, ¶[0045] ("... transactions database 215 can be maintained at another location as well as created real-time from a collection of databases located at member retail sites, credit card sites or other data bases."); see also, e.g., Siegel, ¶[0008] ("the method preferably includes identifying a user, gathering a transaction history associated with the identified user and displaying the transaction history associated with the identified user").

8. When a user accesses the Siegel system, it is my opinion that, based on the disclosure of Siegel, the Siegel system would present a list of purchase transactions by the user gathered from various retailer systems and databases. See, e.g., Siegel, ¶[0008] and ¶[0026]. However, it is my opinion that there is no disclosure in Siegel regarding whether the Siegel-presented items purchased by the user have been shipped.

9. It is therefore my opinion that Siegel does not disclose differentiating between items that have been purchased, but not yet shipped, and items that have been purchased and shipped to the user. It is further my opinion that a Siegel listing for a particular user may contain both items that have been

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purchased but not yet shipped (and therefore not yet received by the user, and therefore, that are not yet returnable), as well as items that have been purchased and shipped to the user. It is therefore respectfully asserted that a user of a Siegel display of a listing of an item that has not yet been shipped could incorrectly select such an item for return.

10. In order to discuss the types of issues that could result from such an incorrect selection, it may be helpful to consider a period of time during which a user may be involved in a relatively high number of purchases, such as, for example, during Christmas. During high transaction activity periods, a user may make repeated purchases of a same or similar item. A user may receive one such item and want to return it. However, it is my opinion that the corresponding Siegel display would list the item that the user had already received as well as other item(s) of the same or similar type that the user had purchased but had not yet been received, or that, perhaps, had been shipped to others. Presented with such a list that co-mingles both shipped and not-yet-shipped items, it is my opinion that the Siegel user may indicate, in error, return of an item that has not yet been shipped to, or received by, the user.

11. It is my opinion that such an erroneous "return" could present return processing errors or issues for the merchant and/or confusion for the user. As an illustrative example of a return processing issue for a merchant, consider for instance, a user that one day purchases a shirt from an online retailer, with a size Large. The user receives the Large shirt and decides that it is too big. The user wants to return the Large shirt, and wants to buy the same style shirt, but this time, in a size Small. The user goes online and purchases the size Small shirt. Subsequently, the user navigates to a return service, such as a Siegel return processing site. At a return processing Siegel site, the Siegel system would present to the purchasing user a list of both shirts that had been purchased by the user -- the size Large and the size Small. The user does not realize that, or

Is not sure of the difference between, one of the items listed represents the Large size shirt that the user wants to return, and the other shirt listed is the Small size shirt that the user just purchased but has not yet received. The user picks one of the items listed, but by mistake, picks the Small size shirt listing as the item to be returned. A shipping label is printed and the user returns the Large size shirt. However, according to the return system, a return of the Small size shirt is expected by the merchant. When the merchant instead receives the Large size shirt, the merchant must reconcile such an erroneous return to correct what was expected to be returned, to what was actually returned.

12. As another illustrative example of a type of return processing error or issue that could be presented by a return system that lists as returnable, both shipped and not-yet-shipped items, consider a situation where a consumer user has made a first purchase of a perishable item, with a defined expiration date. The consumer/user receives the first purchase of the perishable item. When the consumer/user receives the item, the item is in reasonable condition. The consumer/user likes the look of the item, and decides to make a second purchase of the same type of perishable item for a friend. By the time the consumer/user makes the second purchase, the first purchase is already at or near the end of its defined expiration date, and soon after the consumer/user makes the second purchase, the consumer/user finds that the first purchase of the item is spoiling and decides to return the first purchase. The consumer/user enters an online return processing site that presents the consumer/user with a list of both the first purchase and the second purchase, which has not yet shipped. The user picks one of the entries, and by mistake, picks the entry for the second purchase. Consider the circumstance where the return processing system does not know the shipping status of the item, but does have available the expiration date of the item. The return processing system might check the expiration date of the item designated for return and, because that item has not yet expired, allow the return. The consumer/user is then allowed to return the second

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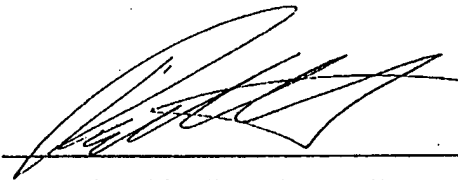
purchase designated by the consumer/user. However, the item actually returned to the merchant is the first purchase that is already beyond its expiration date and has spoiled. Assuming for this example that the merchant refunded the purchase price and, possibly, paid for the return shipping, the merchant would suffer a loss for the return of already expired, perishable goods.

13. A system that designates items that have been shipped, not merely purchased, as potentially returnable items would be useful over the Siegel system. Specifically, shipped items would be listed as potentially returnable, thereby preventing possibly confusing listings of items purchased but not yet shipped as potentially returnable, as would be possible under Siegel.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any corresponding U.S. patent.

Date: _____

1 OCT 2008



David Allison Bennett